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JOHN C. JANKA
PAUL K. VICKREY
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SALLY WIGGINS
RICHARD B. MEGLEY, JR.
MATTHEW G. McANDREWS

181 WEST MADISON STREET-SUITE 4600
CHICAGO, ILLINOIS 60602-4635

TELEPHONE (312) 236-0733

FACSIMILE (312) 236-3137

March 27, 2008

PAUL C. GIBBONS
BRADY J. FULTON
GREGORY P. CASIMER
DOUGLAS M. HALL
DINA M. HAYES
FREDERICK C. LANEY
DAVID J. MAHALEK
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NICHOLAS M. DUDZIAK
KAREN L. BLOUIN
LAURA A. KENNEALLY
TAHITI ARSULOWICZ
OF COUNSEL:
THOMAS G. SCAVONE

Facsimile: (805) 267-4835
info@freightshippingcenter.com
Federal Express

Dennis Gershman
and/or any authorized agent or representative of
Pacific Atlantic Freight

2899 Agoura Rd. Ste #310
Westlake Village, CA 91361

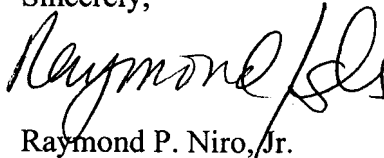
6167 Lake Lindero Dr.
Agoura Hills, CA 91301

Re: Freightquote v. Pacific Atlantic Freight
Civil Action No. 1:08-cv-00823 (N.D. Ill.)

Dear Sir or Madam:

Attached are service copies of the pleadings filed in support of Plaintiff's motion for entry of default based upon Pacific Atlantic Freight's failure to respond to the complaint. The motion is set for hearing before Judge St. Eve on Thursday, April 3, 2008 at 8:30 a.m.

Sincerely,


Raymond P. Niro, Jr.

RPNjr/sls
Enclosures

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1975
CONNECTION TEL 818052674835
SUBADDRESS
CONNECTION ID
ST. TIME 03/27 14:42
USAGE T 04'19
PGS. SENT 16
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NIRO, SCAVONE, HALLER & NIRO
181 WEST MADISON STREET - SUITE 4600
CHICAGO, ILLINOIS 60602-4515
TELEPHONE NO. (312) 236-0733
FACSIMILE NO. (312) 236-3137

TO: Dennis Gershman
and/or any authorized agent or representative of
Pacific Atlantic Freight

FROM: Raymond P. Niro, Jr.

DATE: March 27, 2008 TIME: 2:34 PM

TOTAL NUMBER OF PAGES (including cover page): ~~15~~ 16

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COMMENTS:

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Motion for Entry of Default in Civil Action No. 08-cv-0823, Freightquote v. PAF

Swierk, Susan L

From: Swierk, Susan L
Sent: Thursday, March 27, 2008 2:38 PM
To: 'info@freightshippingcenter.com'
Subject: Freightquote v. PAF -- entry of default -- URGENT
Attachments: lpaf-default 032708.pdf; default_exhs.pdf; default_mot.pdf; default_nom.pdf

Dennis Gershman
and/or any authorized agent or representative of
Pacific Atlantic Freight

URGENT

Motion for Entry of Default in Civil Action No. 08-cv-0823, Freightquote v. PAF

Sent on Behalf of Raymond P. Niro, Jr.

by Susan Swierk, legal assistant
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, IL 60602
(312) 236-0733
Fax: (312) 236-3137

Swierk, Susan L

From: info@freightshippingcenter.com
Sent: Thursday, March 27, 2008 2:38 PM
To: Swierk, Susan L
Subject: Re: Freightquote v. PAF -- entry of default -- URGENT

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Thank you,
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Toll Free:(888) 588-5848
Direct:(818) 735-0440
Fax: (805) 267-4837
Hours: M-F 9am-5pm PST
www.freightshippingcenter.com

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Swierk, Susan L

From: TrackingUpdates@fedex.com
Sent: Friday, March 28, 2008 6:20 PM
To: Swierk, Susan L
Subject: FedEx Shipment 792672701159 Delivered

This tracking update has been requested by:

Company Name: NIRO SCAVONE HALLER & NIRO
Name: Susan Swierk
E-mail: swierk@nshn.com

Our records indicate that the following shipment has been delivered:

Ship (P/U) date: Mar 27, 2008
Delivery date: Mar 28, 2008 4:16 PM
Sign for by: **A.GERSHMAN** 
Delivered to: Residence
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Residential Delivery
Adult Signature Required
Deliver Weekday

Tracking number: [792672701159](#)

Shipper Information	Recipient Information
Susan Swierk	Dennis Gershman
NIRO SCAVONE HALLER & NIRO	P.A.F.
181 WEST MADISON, SUITE 4600	6167 LAKE LINDERO DR
CHICAGO	AGOURA HILLS
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US	US
60602	913014640

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREIGHTQUOTE.COM, INC.,

Plaintiff,

v.

PACIFIC ATLANTIC FREIGHT,

Defendant.

Civil Action No. 1:08-cv-00823

Judge St. Eve
Magistrate Judge Nolan

**DECLARATION OF BILL GOODWIN IN SUPPORT OF
FREIGHTQUOTE.COM'S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Bill Goodwin, declares and states as follows:

1. I am currently employed by Freightquote.com, Inc. and bear the title of Executive Vice President of Sales and Marketing. My responsibilities include overseeing all aspects of the company's sales and marketing activities. I have been employed by Freightquote.com since 2006.

2. I am familiar with the allegations made by Freightquote.com against Pacific Atlantic Freight in the above-captioned litigation. I am knowledgeable with respect to the business, marketing and financial reporting of Freightquote.com. The facts set forth in this Declaration are true and correct and are based upon information personally known to me and gathered by me from others.

3. Since 2000, as a part of its overall marketing strategy, Freightquote.com has advertised its Internet web site www.freightquote.com for its freight shipping and management services on the search engine www.google.com.

4. Through the advertisement of www.freightquote.com on www.google.com, users select the active www.freightquote.com link to be directed to Freightquote.com's Internet web site where the transaction of purchasing freight shipping and management services is completed

for a fee. The gross margin realized by Freightquote.com generated by www.freightquote.com on www.google.com from April 1, 2006 through March 31, 2008 totals \$2,989,692.

5. In order to maintain an active link on www.google.com, Freightquote.com was charged a standard pricing fee calculated as a "Price Per Click" amount which is based on the number of times a user selects (i.e., "clicks") the www.freightquote.com active link from the search results on www.google.com. The costs incurred by Freightquote.com for advertising its www.freightquote.com active link on www.google.com from April 1, 2006 through March 31, 2008 totals \$742,749.

6. Additional variable overhead costs incurred by Freightquote.com associated with sales generated by the active link advertising on www.google.com include commissions paid to the sales force, sales collateral, and credit software estimated to be roughly 15% of the gross margin generated from Freightquote.com's advertising on www.google.com. For the time period from April 1, 2006 through March 31, 2008, the estimated variable overhead costs totals \$448,454.

7. The financial information contained in the preceding paragraphs is entered, maintained and audited by the Marketing department of Freightquote.com, Inc. in "Triangle Reports" which directly track the gross margin generated by users who select the www.freightquote.com active link from the www.google.com website.

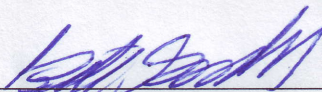
8. Through the investigation of public information, the infringing domain name "www-freight-quotes.com" was registered on March 16, 2006. Freightquote.com's marketing research also indicates that the ratio of times that the infringing use of "www-freight-quotes.com" appears as a search result alongside the trademarked www.freightquote.com is approximately 1:1, as shown in the attached screen shot captured April 10, 2008.

9. Therefore, P.A.F.'s use of the confusingly similar domain name "www-freight-quotes.com" has resulted in a 1 to 1 loss of gross margin to our company, less the costs incurred to run the active link advertising on www.google.com and variable overhead costs, for a total lost profit of \$1,798,489 during the period of infringement (April 1, 2006 through March 31, 2008).

10. Likewise, from the time period from April 1, 2006 through March 31, 2008, defendant P.A.F. should have realized similar total profit to Feightquote.com during the unauthorized use of the infringing "www-freight-quotes-com" mark.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 4/11/08


Bill Goodwin



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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FREIGHTQUOTE.COM, INC.,

Plaintiff,

v.

PACIFIC ATLANTIC FREIGHT,

Defendant.

Civil Action No. 1:08-cv-00823

Judge St. Eve
Magistrate Judge Nolan

**DECLARATION OF RAYMOND P. NIRO, JR., ESQ.
IN SUPPORT OF PLAINTIFF'S REQUEST FOR ATTORNEYS' FEES AND EXPENSES
IN THE AWARD OF DEFAULT JUDGMENT**

Raymond P. Niro, Jr. declares and states as follows:

1. I am an attorney at the law firm Niro, Scavone, Haller and Niro, retained by Freightquote.com for this litigation. I was admitted to practice in 1991. My hourly billing rate is \$425 per hour. The following individuals from our firm also provided services on behalf of Freightquote.com for this litigation:

a. Attorney Dina M. Hayes was admitted to practice in 1999. Her billing rate is \$300 per hour;

b. Paralegal Susan L. Swierk; billing rate of \$150 per hour;

c. Law clerk Joe Culig; billing rate of \$100 per hour.

2. From January through February, 2008 counsel for Freightquote.com (and their support staff) conducted a pre-filing investigation of infringement of the Freightquote Trademarks by Pacific Atlantic Freight ("PAF"), prepared, revised and finalized a Complaint for trademark infringement and conducted related legal research.

3. From March through April 2008, counsel for Freightquote.com (and their support staff) researched, prepared, revised and finalized Motions for Default and for Default Judgment, prepared, revised and finalized a status report; and prepared for and attended hearings before Judge St. Eve.

4. To date, despite numerous attempts to contact PAF via personal delivery, email, fax, Federal Express and telephone, Defendant has failed to respond to the Complaint or Motion for Default and has failed to attend any scheduled court hearings.

5. Plaintiff's motion for entry of default was granted on April 3, 2008.

6. Freightquote.com incurred a total of **\$16,385.02** in actual fees and expenses associated with the preparation and filing of the Complaint, Motion for Default and Motion for Default Judgment, as indicated below:

Raymond P. Niro, Jr.	23.4 hours x \$425/hour =	\$9,945.00
Dina M. Hayes	14 hours x \$300/hour =	\$4,200.00
Susan L. Swierk	1.7 hours x \$150/hour =	\$255.00
Joe Culig	10.85 hours x \$100/hour =	\$1,085.00
	Fees	\$15,485.00
	Expenses	\$900.02
	Total	\$16,385.02

7. A detailed list of the fees and expenses is attached hereto. These fees and expenses were clearly reasonable and necessary under the circumstances.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: 4/11/2008

/s/ Raymond P. Niro, Jr.
Raymond P. Niro, Jr.

Freightquote.com, Inc. v. Pacific Atlantic Freight**Freightquote.com Fees**

Date	By	Description	Hours	Rate	Total
01/29/08	Swierk	Paralegal services conducting electronic research re P.A.F.	1.20	150/hr	180.00
01/31/08	Niro Jr.	Conducting pre-filing investigation; preparing and revising complaint for trademark infringement and conferring with co-counsel re same; reviewing Freightquote trademark applications and registrations; reviewing P.A.F. web site (1/28-31).	4.00	425/hr	1,700.00
02/07/08	Swierk	Paralegal services preparing formal papers and filing Complaint; corresponding with clerk re same.	0.50	150/hr	75.00
02/12/08	Niro Jr.	Conducting final pre-filing investigation and final preparation of Complaint; reviewing local rules and procedures for Judge St. Eve (2/7-12).	3.40	425/hr	1,445.00
03/10/08	Culig	Researching case law, statutory law, and local rules re procedure for moving for default and default judgment, specifically in Northern District of Illinois; drafting memo for supervising attorney based on said research.	5.50	100/hr	550.00
03/12/08	Culig	Researching case law, statutory law, and local rules re procedure for moving for default and default judgment, specifically in Northern District of Illinois; drafting memo for supervising attorney based on said research.	3.75	100/hr	375.00
03/14/08	Hayes	Reviewing memorandum regarding default judgment and service requirements in California; follow-up research regarding information on Pacific Atlantic Freight.	2.00	300/hr	600.00
03/14/08	Culig	Researching case law, statutory law, and local rules re procedure for moving for default and default judgment, specifically in Northern District of Illinois; drafting memo for supervising attorney based on said research.	1.60	100/hr	160.00
03/17/08	Hayes	Reviewing initial status report regarding service.	1.00	300/hr	300.00
03/17/08	Niro Jr.	Preparing, revising and finalizing joint status report and reviewing all materials re service of complaint.	1.30	425/hr	552.50
03/20/08	Hayes	Preparing for and attending hearing before Judge St. Eve; reviewing case law regarding motion for entry of default; performing legal research.	3.00	300/hr	900.00
03/21/08	Niro Jr.	Preparing for and attending hearing before Judge St. Eve; preparing and revising motion for default and reviewing case law re same (3/20-21).	3.00	425/hr	1,275.00
04/03/08	Niro Jr.	Preparing for and attending 4/3 hearing before Judge St. Eve; preparing motion for default judgment and analyzing legal authorities re same; conferring with co-counsel re strategy	5.20	425/hr	2210.00

04/07/08	Hayes	Reviewing draft motion for entry of default judgment, investigating ongoing use of infringing use	1.00	300/hr	300.00
04/08/08	Hayes	Corresponding with client about logistics of declaration in support of motion for entry of default judgment.	3.00	300/hr	900.00
04/09/08	Hayes	Revising and preparing insert for supporting memorandum on motion for entry of default judgment, exhibits, etc. and corresponding with client regarding details of declaration	4.00	300/hr	1200.00
04/10/08	Niro Jr.	Preparing, revising and finalizing motion for default judgment and analyzing legal authorities re same; conferring with client re factual support for calculation of actual damages and preparation of declaration (4/8-10).	6.50	425/hr	2762.50
					\$15,485.00

Freightquote.com Expenses

Date	Description	Amount
02/08/08	MISC EXPENSE – Electronic filing fee of complaint in Northern District of Illinois - Niro Jr.	350.00
02/18/08	WESTLAW RESEARCH – For January, 2008	58.87
02/29/08	MISC EXPENSE – Photocopy, phone, local transport, postage, and fax	15.38
03/14/08	SERVICE OF PROCESS – Summons and complaint: Pacific Atlantic Freight 3/5/08 – LaSalle	165.00
03/30/08	FEDERAL EXPRESS – To Westlake Village, CA 3/5/08 (41432)	24.43
03/31/08	CONSULTING SERVICES – Investigative Consultants re P.A.F. corporate location and owner information 3/19/08	250.00
03/31/08	MISCELLANEOUS EXPENSE – Photocopy, phone, local transport, postage, and fax	36.34
		\$ 900.02